



HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO: COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450, ON THE DATE INDICATED BELOW.

BY:

Renee Conti

Date:

May 17, 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Patent Application of:
Yukihiro OKADA *et al.*

Conf. No.: 2411

Group Art Unit:

1745

Appln. No.: 10/045,839

Examiner:

Carol Diane Chaney

Filing Date: October 19, 2001

Attorney Docket No.:

10059-389US (P25427-01)

Title:

ELECTRODE ALLOY POWDER AND METHOD OF PRODUCING THE SAME

TERMINAL DISCLAIMER TRANSMITTAL LETTER

Submitted herewith is a Terminal Disclaimer and Statement of Common Ownership with respect to the above-identified patent application.

☒ A check in the amount of \$110.00 for the statutory disclaimer fee is enclosed herewith.

☐ The Commissioner is hereby authorized to charge Deposit Account No. 50-1017 (Billing No. 210059.0389) as noted below. A duplicate copy is enclosed.

☐ Statutory disclaimer fee in the amount of \$____.00.

☒ Any deficiencies or overpayments in the above-calculated fee.

Respectfully submitted,

Yukihiro OKADA *et al.*

May 17, 2004
(Date)

By:

William W. Schwarze

WILLIAM W. SCHWARZE

Registration No. 25,918

AKIN GUMP STRAUSS HAUER & FELD LLP

One Commerce Square

2005 Market Street, Suite 2200

Philadelphia, PA 19103-7013

Telephone: 215-965-1200

Direct Dial: 215-965-1270

Facsimile: 215-965-1210

E-Mail: wschwarze@akingump.com

WWS/rc



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Title: ELECTRODE ALLOY POWDER AND METHOD OF PRODUCING THE SAME

TERMINAL DISCLAIMER AND STATEMENT OF COMMON OWNERSHIP

In accordance with 37 C.F.R. § 1.321(b), Petitioners, Matsushita Electric Industrial Co., Ltd. and Toyota Jidosha Kabushiki Kaisha doing business at 1006, Oaza-Kadoma, Kadoma-shi, Osaka 571-8501, Japan and I, Toyota-Cho, Toyota-Shi, Aichi-ken 471-8571, Japan, respectively, by their undersigned attorney, represent that they are assignees of the whole and entire right, title and interest in and to the above-identified application (the "present application") and U.S. Patent No. 6,605,387 (the "prior patent").

The prior patent was assigned to Petitioners by an Assignment recorded on March 12, 2001, at Reel 011598, Frame 0714. The present application was assigned to Petitioners by an Assignment recorded on October 19, 2001, at Reel 012502, Frame 0152. Based on a review of evidentiary documents relating to the chain of title from the original owner to Petitioners, the undersigned hereby certifies that to the best of his knowledge and belief, both the present application and the prior patent are commonly owned by Petitioners.

Petitioners hereby disclaim, except as provided below, the terminal part of the statutory term of any patent granted on the present application which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. § 154 to § 156

of the prior patent. Petitioners hereby agree that any patent so granted on the present application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the present application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, Petitioners do not disclaim any terminal part of any patent granted on the present application that would extend to the expiration date of the full statutory term defined in 35 U.S.C. § 154 to § 156 of the prior patent, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable or is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or is terminally disclaimed under 37 C.F.R. § 1.321, has all claims cancelled by a re-examination certificate, or is in any manner terminated prior to the expiration of its full statutory term.

The undersigned attorney of record is empowered to act on behalf of Petitioners.

Respectfully submitted,
Matsushita Electric Industrial Co., Ltd. and
Toyota Jidosha Kabushiki Kaisha

May 17, 2004
(Date)

By:

William W. Schwarze

WILLIAM W. SCHWARZE

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